



independent  
police complaints  
commission



integrity  
**independence**  
diversity



**Annual Report and  
Summary of Accounts  
2005/06**



# Annual Report and Summary of Accounts 2005/06

Incorporating a summary of the accounts,  
ordered to be printed by the House of Commons  
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# Chair's Foreword



The London bombings on 7 July 2005 and the fatal shooting of Jean Charles de Menezes at Stockwell Underground Station just over two weeks later illustrated in the most terrible and bloody ways both the challenges we expect the police service to meet on our behalf and the consequences when things go wrong.

To keep us and our families safe, we trust the police with special powers and responsibilities. But that trust is not a blank cheque. We expect there to be effective accountability if those powers are misused or responsibilities neglected.

The events of July were exceptional, but this report describes how every day of every month of the year the Independent Police Complaints Commission (IPCC) worked to make this system of accountability effective.

## It has been a tough year

A total of 26,268 complaints were recorded – an increase of 15 per cent on the previous year. Forty-six per cent of allegations completed within 2005/06 were resolved locally without a formal investigation. At the other end of the scale, 118 people died following contact with the police, a small rise on the previous year. The IPCC carried out 240 independent or managed investigations. It considered 2,140 valid appeals against the way the police service had dealt with a complaint, a 179 per cent increase on the previous year. Our Statutory Guidance sets standards for the complaints system as a whole, and the process of its implementation began. In addition to our core policing business we prepared to take on new responsibilities for Her Majesty's Revenue and Customs and for immigration enforcement.

Much of this work was carried out under an unrelenting media spotlight and frequently – understandably – in a highly charged, sometimes adversarial and often emotional environment. This, the second year of the IPCC's existence, was still largely about developing our operational machinery and reputation. We have

delivered on both of these. The complaints system is now more proportionate, efficient, accessible and transparent than before – and is still improving. We have established the IPCC's independence in the most demanding of circumstances. In this environment, these are not small achievements.

However, there have been setbacks and there are important areas where the IPCC's performance needs to improve.

The IPCC's own performance is a crucial part of the credibility and effectiveness of the complaints system. Over the year as a whole, we struggled to achieve some of our targets. In particular, the increase in complaints and appeals meant that although we made significant improvements in the timeliness of our investigations, we took too long to deal with appeals and other casework functions. Determined efforts by our staff saw steady improvement, and by the last quarter of the year we were much closer to achieving our timeliness targets.

Speaking plainly, both the reputation of the IPCC and internal morale were damaged by the leak of material from the Stockwell investigation in August 2005. It was a painful lesson. I am grateful to Bill Taylor, who carried out an independent review of our security systems following the leak and whose advice we took when strengthening these in the latter part of the year.

In the early years of the IPCC's existence, this report inevitably focuses on the work we have done rather than the difference we have made. However, it is on this difference that ultimately we will be judged. Some of this depends on matters not directly under the IPCC's control such as the prosecution, inquest and discipline processes; nevertheless, the complainant or police officer who experiences the complaints system is unlikely to know or care about the specific responsibilities of its constituent parts.

There are three key areas where the IPCC needs to show that the new complaints system as a whole makes a difference.

Firstly, the process of bringing the most serious incidents to a conclusion still takes far too long. This is both unjust to the individuals involved and inhibits the disclosure of information about which there is a legitimate public interest. There is not yet sufficient co-ordinated effort by all the agencies involved – the IPCC, Crown Prosecution Service, discipline and judicial authorities – to reduce the delays which cause unacceptable individual distress and threaten public confidence in the system as a whole. This will remain a key priority for the IPCC.

Secondly, in my view, the most important contribution the IPCC can make is the operational learning that arises from its work. This report contains many examples where that has taken place. However, learning and improvement is not yet systematic. No complex private or public sector organisation can be effective without listening carefully to those who use its services and addressing their concerns. There is much more for both the IPCC and police service to do to ensure that legitimate public concerns are heard, understood and acted on.

Thirdly, the complaints system starts from allegations of misconduct against individual officers. Improvement and learning are priorities, but sometimes it is necessary to draw a clear line, say that conduct is unacceptable and back that up with an appropriate sanction. The current police discipline system fails either to create

opportunities for improvement or to deliver appropriate sanctions. Major and welcome reforms to the discipline system have now been developed and have widespread support. We will do all we can to support the Home Office and police service in delivering these changes.

The Commissioners have overall responsibility for the IPCC and I am grateful for their hard work and commitment. I know my colleagues would want in turn to join with me in thanking the many other policing, statutory and community organisations with whom we work. They would also want to join with me in paying a warm tribute to Sue Atkins, our first Chief Executive, and all the IPCC staff for their work. Sue has now left the organisation but what is described in this report is a testament to the professionalism and skill of Sue and all the staff on whom the success of the organisation depends.



**Nick Hardwick**

Chair

Independent Police Complaints Commission

# 1. About the IPCC



The Independent Police Complaints Commission (IPCC) was created by the Police Reform Act 2002 as a Non-Departmental Public Body (NDPB) to deal with complaints and allegations of misconduct against police in England and Wales. The IPCC replaced the Police Complaints Authority (PCA) and has significantly stronger powers than its predecessor.

## Powers and functions

The IPCC:

- must, by law, have referred to it all complaints and incidents involving death or serious injury following police contact and may choose to independently investigate, manage, supervise or refer back to the police such cases
- uses 'call-in' powers for specific cases that do not require mandatory referral but nevertheless raise issues of significant public concern
- must be given access to police premises, documents and other evidence on request and its investigators, in an independent investigation, have all the powers of constable
- investigates complaints against all police officers, up to and including Chief Constables, and all police staff
- acts as an appeal body for complainants who are unhappy about how the police dealt with their complaint
- has powers to direct a force to convene a disciplinary tribunal and, in exceptional cases, may present the evidence at such a tribunal and require it to be held in public
- does not have the powers to investigate complaints about operational matters or determine the guilt, innocence or sanction of any individual.

## Guardianship

The IPCC's general duty to increase confidence in the police complaints system in England and Wales and, in doing so, to contribute to increasing confidence in policing as a whole, is the basis of the IPCC's guardianship function.

The four elements of the IPCC's guardianship function are:

- promoting confidence in the complaints system as a whole
- ensuring the accessibility of the complaints system

- setting, monitoring, inspecting and reviewing standards for the operation of the police complaints system
- promoting policing excellence by drawing out and feeding back lessons.

## Legacy cases

The IPCC continues to deal with former PCA 'legacy' cases that have to be considered under previous legislation (the Police Act 1996).

## Local resolution of complaints against police

Local resolution enables a complainant to have their concerns dealt with quickly at a local level and receive an explanation or apology as appropriate.

During 2005/06, the IPCC and the Police Foundation co-funded a study, conducted by the Institute for Criminal Policy Research at King's College London, which examined the local resolution of complaints against the police. The first stages of the research looked at informal resolution (local resolution's predecessor) and levels of satisfaction among the police and the public before setting up the IPCC.

The resulting reports are due to be published at the end of 2006/07.

## New business for 2005/06

From 1 April 2006, the Serious Organised Crime Agency (SOCA) was brought within the jurisdiction of the IPCC. The IPCC was also made responsible for serious complaints about HM Revenue and Customs (HMRC) where these complaints arise from the use of 'police-like' powers. Where HMRC cases come within the IPCC's jurisdiction, its powers mirror those it has in relation to the police service.

Before the full start of the IPCC's new role with HMRC, provision was made to allow the IPCC to begin its first investigation into the actions of HMRC staff. Since the early part of 2006, the IPCC has been examining Operation Venison, an inquiry into alleged misconduct in a major fraud investigation.

In 2006/07, the IPCC expects to take on the responsibility for serious complaints and misconduct issues related to the arrest functions of the Immigration and Nationality Directorate (Enforcement and Removals (IND (E&R)) of the Immigration Service).

## Governance

The IPCC is run by a 17-strong Commission, made up of a Chair, Deputy Chair and 15 Commissioners, each responsible for specific forces. Five Commissioners share responsibility for the Metropolitan Police Service, and one each for HMRC and SOCA. The Commissioners, by law, must never have worked for the police service in any capacity. They are the public, independent face of the IPCC and work with a range of police and non-police stakeholders to improve confidence in the system.

A professional staff, which includes casework managers, investigators and support staff, carries out the day-to-day work of the Commission under the direction of the IPCC's Chief Executive.

## Public Commission meetings

Commission meetings are held in public across all four of the IPCC's regions. The IPCC actively invites groups and interested parties in each region and encourages members of the public to register their attendance through its website. At the end of each public meeting there is a question and answer session which provides members of the public with the opportunity to address the IPCC directly. Some matters, such as those relating to staff, cases or commercial issues, are discussed in private.

Details of future Commission meetings can be found at [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

## The IPCC's Advisory Board

The IPCC's Advisory Board meets four times a year, bringing together all its statutory partners, police staff associations and complainants' representatives to provide advice and feedback on the IPCC's organisational and policy development. The Advisory Board includes representatives from the Home Office, Association of Chief Police Officers (ACPO), Her Majesty's Inspectorate of Constabulary (HMIC), Police Superintendents' Association of England and Wales, National Black Police Association, Special Constabulary, Commission for Racial Equality, Association of Police Authorities (APA), INQUEST, Citizens Advice, Police Federation of England and Wales, Police Action Lawyers Group and UNISON.



## 2. The Year in Focus

### Summary of performance against objectives for 2005/06

The Home Office approved the following IPCC objectives for 2005/06:

#### **Objective 1: Maintain high standards of delivery across the IPCC**

The IPCC sustained a 10 per cent reduction in the time taken to complete investigations in the previous PCA system, despite the growth in new business over the year. Targets and standards were set for IPCC casework and investigation functions. Performance overall was mixed but showed significant steady improvement as the year progressed.

The IPCC also strengthened its infrastructure for more effective and efficient delivery of its statutory duties.

#### **Objective 2: Grow the existing police service business**

The IPCC increased its investigative capability and flexibility to meet higher targets on numbers of investigations. In 2005/06 it began 52 independent investigations, oversaw 188 managed investigations and supervised 562 police investigations.

The IPCC ensured that investigations were more effective and efficient, significantly reducing the use of one police force to investigate another.

#### **Objective 3: Enhance the IPCC's guardianship role**

The IPCC established resources and structures to raise confidence in the complaints system. It obtained approval for and published its Statutory Guidance and developed regional plans to assist its commissioners, staff and police forces with implementation.

The IPCC increased awareness and accessibility of the complaints system, and began work to develop robust systems for identifying and promoting the operational lessons arising from its work.

#### **Objective 4: Prepare the IPCC for new business**

The IPCC developed costed plans for taking on new responsibilities to investigate complaints and matters referred by HMRC and SOCA and was ready to implement these by April 2006.

### Performance during the year

By 1 April 2006, the IPCC had been operational for two years. During this time the IPCC has developed management information systems to monitor and improve performance. The IPCC continues to work closely with police forces, HMRC, SOCA and HMIC, to provide a better understanding of the complaints system's performance as a whole and to develop initiatives that will improve it.

The tables on the following pages set out performance against a range of targets.

#### **Improving performance**

Overall, IPCC performance improved throughout 2005/06 but did not meet some of its key targets.

For much of the year the IPCC continued to deal with a large volume of misconduct reviews under the Police Act 1996 – a legacy from its predecessor, the PCA. This was a significant challenge in its own right and put pressure on its capacity to handle current business. However, by the end of the year 95 per cent of legacy work had been concluded, and most of what remained could not be progressed for legal or other reasons.

The devolution of casework from the centre to its four regional offices had an impact on the IPCC's performance. It caused some short-term disruption but the IPCC is confident it will bring long-term benefits. Already, feedback from police and non-police stakeholders about the more effective working relationships this allows has been positive, and as the regional teams became more experienced over the year, performance improved.

There was a large increase in the number of appeals that the IPCC received and dealt with in 2005/06. In 2004/05 it received 768 and in 2005/06 it received 2,140 valid appeals respectively. Response time for appeals was a major concern and the IPCC focused intensely on improving performance. Thirty-five per cent of appeals were processed on time in the last quarter, compared to 9 per cent for the entire year. The target for completing an appeal is 20 days; the average length of an appeal for the year was 71 days, but this fell to 28 days in the last three months of the year. For information on learning from appeals see page 39.

### The casework review

All casework functions were devolved to the regions at the end of the IPCC's first year of operation.

An internal casework review was carried out to review and, where necessary, revise procedures. The review helped the IPCC identify best practice and improve consistency, efficiency and quality as its experience developed. The review looked at all areas of IPCC casework, from taking complaints from the public to considering and handling appeals.

The IPCC has consequently made a series of improvements to casework practice and policy, and identified further work that needs to be done. The detailed casework manual was revised to reflect new and improved processes. Standard letter templates have been improved. These modifications are currently being introduced to casework operations, in a process that will involve updated training for all staff and work with the police service to streamline procedures.

## Investigations

### The number of investigations

For the year 2005/06, the IPCC set three targets relating to the number of investigations of each type that the organisation intended to start during the year. The IPCC set a target of:

- 60 for independent investigations and started 52
- 125 for managed investigations and started 188
- 600 for supervised investigations and started 562.

The shortfall in independent investigations reflected a greater than anticipated number of particularly complex and resource-intensive cases. Among these were five investigations into fatal police shootings.

High-profile cases which absorbed significant resources included the review into the death of Christopher Alder in Humberside (see page 37) and the investigation into the death of Jean Charles de Menezes at Stockwell, south London (see page 28).

Operation Venison was a significant investigation but was funded separately from the IPCC's core police business. The operation was an inquiry into alleged misconduct by HMRC staff during a complex investigation into alleged VAT fraud.

The number of managed investigations exceeded our target by 50 per cent. Overall, the combined total of 240 managed and independent investigations against a target of 185 is a positive result.

### Timeliness of handling complaints and investigations

The IPCC continued to deliver more timely investigations into complaints and misconduct. In its Annual Report for 2003/04, the PCA recorded that the average completion time per case investigated was 174 working days.

The IPCC aimed to improve investigation times by 10 per cent. This target is the equivalent of 157 working days. Since becoming operational in April 2004, the IPCC has supervised police investigations in an average time of 144 working days, well within the target. For those investigations over which it has direct control, its performance has been even better. In 2005/06, the average time the IPCC took to manage a police investigation was 133 working days, while the average independent investigation, using IPCC investigators, took 129 working days.

Average investigation time: PCA investigation (carried out by police under supervision from the PCA) 2003/04: 174 working days.

Average investigation time: All IPCC types of investigation, from April 2004 to March 2006 (independent, managed and supervised): 140.8 working days.

Measure	2004/05	2005/06
Number of new independent investigations started	Target: 22 Achieved: 31	Target: 60 Achieved: 52
Number of new managed investigations started	Target: 80 Achieved: 126	Target: 125 Achieved: 188
Number of new supervised investigations started	Target: 650 Achieved: 598	Target: 600 Achieved: 562
Percentage of investigations started in 2004/05 completed	No target	Target: 100% Achieved: 83%
Percentage of investigations started in 2005/06 completed	No target	Target: 25% Achieved: 34%
Average length of independent investigation <sup>1</sup>	No target	Achieved: 129 working days
Average length of managed investigation <sup>1</sup>	No target	Achieved: 133 working days
Average length of supervised investigation <sup>1</sup>	Target: Less than 157 working days Achieved: 129 working days	Target: Less than 157 working days Achieved: 144 working days
Percentage of supervised investigations completed in timeframe <sup>1</sup>	No target	Target: 60% within 75 working days Achieved: 24%
Percentage of investigation plans agreed on time <sup>2</sup>	No target	Target: 80% within 2 working days Achieved: 8%
Percentage of complainants kept informed of independent and managed investigations <sup>2</sup>	No target	Target: 90% provided with updates every 20 working days Achieved: 40%

Measure	2004/05	2005/06
Percentage of police forces kept informed of independent investigations <sup>2</sup>	No target	Target: 90% provided with updates every 20 working days  Achieved: 38%

**Notes:**

1 Data for these indicators covers April 2004 to March 2006.

2 The 2005/06 data for these indicators covers December 2005 to March 2006 only.

## Referrals, appeals, discontinuances and dispensations

These targets relate to four major areas of casework and are split between the IPCC's responsibility to acknowledge receipt of the documentation and completion of the substantive work. All are measured through the IPCC's electronic Case Tracking and Management System.

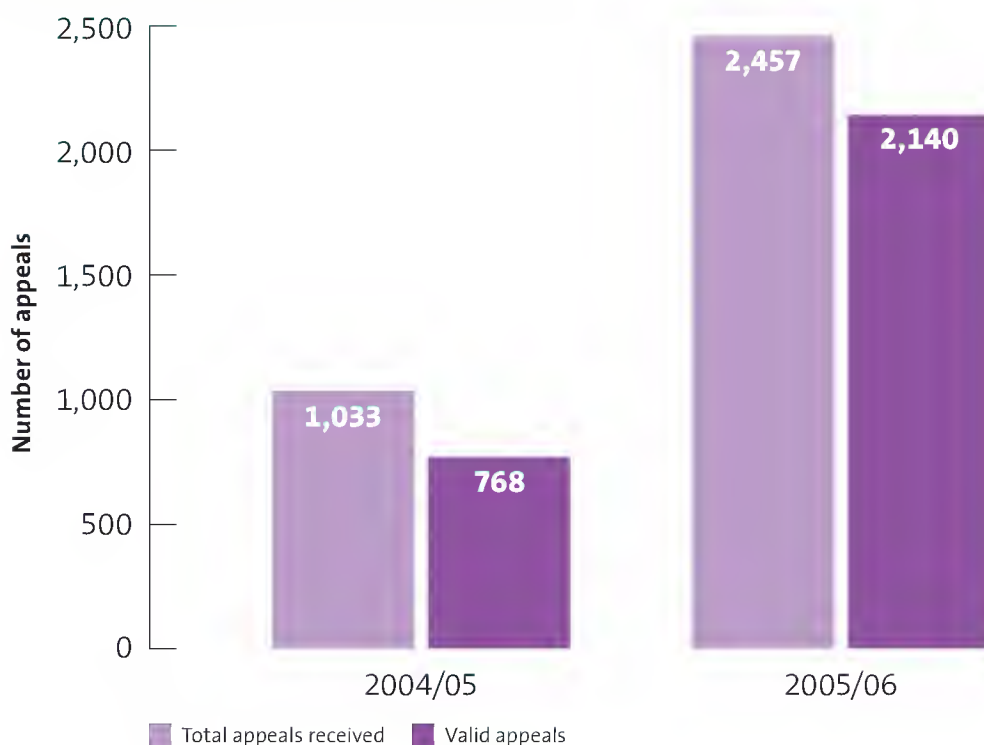
The IPCC's performance against these targets this year was a story of a difficult start followed by improvement against the challenging standards that were set.

There were a number of factors this year that limited the IPCC's capacity to respond within these target times. At the start of the financial year, all of the regional offices were in fully-fledged operation, yet some significant areas of casework were only transferred to the regional offices part-way through the year, having been initially conducted only in London.

In the short term, this move was disruptive. However, as the experience of our regional staff developed over the year there was a positive impact upon performance in later months. The IPCC is confident this was the right strategic move and that the improvements will continue on a sustained basis; for example, the average length of completed appeals fell to 28 days in the last quarter compared with 71 days in the year as a whole.

At the same time there was a growing demand for casework services. This was most acute with respect to appeals. There was a 179 per cent increase in valid appeals received compared to 2004/05. During 2005/06 a total of 2,457 appeals were received by the IPCC. Some 2,140 of these were valid. Appeals might be invalid for a number of reasons, such as being out of time, and the IPCC is working with the police service to ensure complainants have the information they need to make a valid appeal should they wish to do so.

## Comparison of appeals received by the IPCC



The IPCC took a number of steps at regional and national level to find efficiencies and address problems of capacity. These included the casework review, the recruitment of additional staff, and supporting staff and managers to manage performance more effectively.

Measure	Target	2004/05	2005/06
Percentage of referrals in which force is notified of mode of investigation (MOI) decision on time	80% within 2 working days	N/A	45%
Percentage of referrals acknowledged on time <sup>2</sup>	95% within 1 working day	95%	91%
Percentage of police forces informed on time of receipt of an appeal <sup>2</sup>	80% within 1 working day	N/A	81%
Percentage of appeals in which substantive response is provided on time	80% within 20 working days	68%	9%
Percentage of requests for dispensations acknowledged on time <sup>2</sup>	80% within 2 working days	N/A	84%
Percentage of requests for dispensations completed on time	80% within 15 working days	78%	53%
Percentage of requests for discontinuances acknowledged on time <sup>2</sup>	80% within 2 working days	N/A	85%
Percentage of requests for discontinuances completed on time	80% within 15 working days	78%	44%

**Note:**

<sup>2</sup> The 2005/06 data for these indicators covers December 2005 to March 2006 only.

## Legacy cases

Performance on legacy (PCA) work is of particular concern to complainants and police forces alike. By the end of the year, 95% of legacy cases had been completed. Most of the outstanding cases were awaiting the completion of legal processes outside the IPCC's control.

Measure	Target	2004/05	2005/06
Percentage of 'legacy' (PCA) work completed <sup>3</sup>	100%	79%	95%

**Note:**

<sup>3</sup> Data covers only those cases received by the IPCC as at 31 March 2006.

## Direct complaints

The time taken to respond to direct complaints from the public about people serving with the police service is our most significant area of concern. The IPCC's Telephone Complaints Centre (TCC) received 7,443 direct complaints throughout the year (an increase of 3,122 on 2004/05). The PCA handled about 3,500 direct complaints each year. This large increase means that the average time taken to respond to a complainant and to forward information to the relevant police force for recording has fallen well behind the targets set.

The IPCC is recruiting more casework managers for the Centre in 2006/07, as well as improving the call-handling technology.

Measure	Target	2004/05	2005/06
Percentage of direct complaint responses provided to complainant on time	80% within 2 working days	N/A	29%
Percentage of direct complaints forwarded to police force on time	80% within 2 working days	N/A	29%
Percentage of calls answered by the Telephone Complaints Centre without being diverted	90%	93%	92%

## Staffing and corporate services

The targets for acknowledging and responding to MPs' correspondence were developed and put in place in 2005/06. During the year to 31 March 2006, 76 per cent of acknowledgement letters were sent within the deadline of two days. Of all substantive responses, 77 per cent met the target of ten working days. Between August 2005 and March 2006, the IPCC received 223 letters and emails from MPs.

Measure	Target	2004/05	2005/06
Percentage of MPs' correspondence acknowledged on time <sup>4</sup>	100% within 2 working days	N/A	76%
Percentage of substantive responses provided to MPs' correspondence on time <sup>4</sup>	90% within 10 working days	N/A	77%

### Note:

<sup>4</sup> Data for these indicators covers August 2005 to March 2006 only.

Between 1 April 2005 and 31 March 2006, the IPCC received 459 Freedom of Information requests, an average of 38 per month. The majority have been from complainants and are case related. There have also been requests from journalists and other interested individuals. Of these information requests, 81 per cent were responded to within the 20-day deadline.

Measure	Target	2004/05	2005/06
Number of Freedom of Information requests received	N/A	N/A	459
Percentage of Freedom of Information requests completed on time	100% within 20 working days	N/A	81%

During the year to 31 March 2006, 89 per cent of suppliers were paid in accordance with contract terms. The figure shows a marked improvement on 2004/05 (78 per cent), largely due to the roll-out of financial training across the IPCC which led to more efficient transactional processing. In 2005/06 no interest was paid in respect of the Late Payments of Commercial Debts (Interest) Act 1998.

Measure	Target	2004/05	2005/06
Percentage of suppliers paid on time	90% within 30 lapsed days	78%	89%

The IPCC's turnover of permanent staff for the year was 11.8 per cent, comparing favourably with the public sector average of 13.3 per cent.

Time lost to staff sick absence was low, with absence averaging at 1.6 per cent, again comparing favourably with the public sector average of 3.27 per cent.

Measure	Target	2004/05	2005/06
Percentage of permanent staff who have left the IPCC (staff turnover)	No target	N/A	11.8%
Percentage of staff days lost to sickness <sup>5</sup>	No target	N/A	1.6%

**Note:**

<sup>5</sup> Data for these indicators covers April 2005 to February 2006.

## Meeting development targets

During its second year, the IPCC worked to improve its services and performance of the complaints system as a whole. The following developments are of particular note. The IPCC:

- recruited 48 investigations staff, 24 casework staff and 24 regional support staff to strengthen its regional presence and increase operational capacity
- developed procedures and ensured all arrangements were in place by 1 April 2006 to handle complaints and misconduct issues relating to HMRC and SOCA
- prepared for the extension of its jurisdiction to IND (E&R)
- obtained approval for, promoted and published its Statutory Guidance in December 2005 following extensive consultation
- published its first Annual Report in November 2005
- piloted a project in March 2006 to raise awareness of the complaints process among young Asian men in Dewsbury
- began work on a formal 'learning lessons' system, to be completed and rolled out in 2006/07
- worked with HMIC to develop the framework for Professional Standards Department inspections
- published the IPCC's Race Equality Scheme in May 2005, to comply with its duty under the Race Relations (Amendment) Act 2000
- analysed and published results of the Public Confidence Survey 2004 on the complaints system
- set up systems for capturing data and published the report on deaths during and following police contact in November 2005
- took over the system for collection of complaints data from the Home Office in April 2004 and automated the system for the 2004/05 statistics during 2005
- started a survey on near deaths in police custody and will publish the findings of the study in early 2007
- introduced improved electronic Case Tracking and Management System
- enhanced its ability to report performance through improvements to management information systems
- launched a major study on police-related road traffic incidents in July 2005
- worked with others to take forward the Taylor recommendations for major reform and modernisation of the police discipline system.

## Summary of performance

Measure	Target	2004/05	2005/06
Number of new independent investigations started	2004/05: 22 2005/06: 60	31	52
Number of new managed investigations started	2004/05: 80 2005/06: 125	126	188
Number of new supervised investigations started	2004/05: 650 2005/06: 600	598	562
Percentage of investigations started in 2004/05 completed	2004/05: No target 2005/06: 100%	N/A	83%
Percentage of investigations started in 2005/06 completed	2004/05: N/A 2005/06: 25%	N/A	34%
Average length of independent investigation <sup>1</sup>	No working day target yet developed	N/A	129 working days
Average length of managed investigation <sup>1</sup>	No working day target yet developed	N/A	133 working days
Average length of supervised investigation <sup>1</sup>	Less than 157 working days	129	144 working days
Percentage of supervised investigations completed in timeframe <sup>1</sup>	60% within 75 working days	N/A	24%
Percentage of investigation plans agreed on time <sup>2</sup>	80% within 2 working days	N/A	8%
Percentage of complainants kept informed of independent and managed investigations <sup>2</sup>	90% provided with updates every 20 working days	N/A	40%
Percentage of police forces kept informed of independent investigations <sup>2</sup>	90% provided with updates every 20 working days	N/A	38%
Percentage of direct complaint responses provided to complainant on time	80% within 2 working days	N/A	29%
Percentage of direct complaints forwarded to police force on time	80% within 2 working days	N/A	29%
Percentage of referrals in which force is notified of mode of investigation (MOI) decision on time	80% within 2 working days	N/A	45%
Percentage of referrals acknowledged on time <sup>2</sup>	95% within 1 working day	95%	91%
Percentage of police forces informed on time of receipt of an appeal <sup>2</sup>	80% within 1 working day	N/A	81%

Measure	Target	2004/05	2005/06
Percentage of appeals in which substantive response is provided on time	80% within 20 working days	68%	9%
Percentage of requests for dispensations acknowledged on time <sup>2</sup>	80% within 2 working days	N/A	84%
Percentage of requests for dispensations completed on time	80% within 15 working days	78%	53%
Percentage of requests for discontinuances acknowledged on time <sup>2</sup>	80% within 2 working days	N/A	85%
Percentage of requests for discontinuances completed on time	80% within 15 working days	78%	44%
Percentage of 'legacy' (PCA) work completed <sup>3</sup>	100%	79%	95%
Percentage of calls answered by the Telephone Complaints Centre without being diverted	90%	93%	92%
Percentage of MP's correspondence acknowledged on time <sup>4</sup>	100% within 2 working days	N/A	76%
Percentage of substantive responses provided to MP's correspondence on time <sup>4</sup>	90% within 10 working days	N/A	77%
Number of complaints against IPCC personnel	N/A	N/A	85
Percentage of complaints against IPCC personnel upheld	No target	N/A	9%
Percentage of complaints against IPCC personnel acknowledged on time	80% within 2 working days	N/A	85%
Percentage of substantive responses to complaints against IPCC personnel given on time	90% within 10 working days	N/A	73%
Number of Freedom of Information requests received	N/A	N/A	459
Percentage of Freedom of Information requests completed on time	100% within 20 working days	N/A	81%
Percentage of suppliers paid on time	90% within 30 lapsed days	78%	89%
Percentage of permanent staff who have left the IPCC (staff turnover)	No target	N/A	11.8%
Percentage of staff days lost to sickness <sup>5</sup>	No target	N/A	1.6%

**Notes:**

- 1 Data for these indicators covers April 2004 to March 2006.
- 2 The 2005/06 data for these indicators covers December 2005 to March 2006 only.
- 3 Data covers only those cases received by the IPCC as at 31 March 2006.
- 4 Data for these indicators covers August 2005 to March 2006 only.
- 5 Data for these indicators covers April 2005 to February 2006.

# 3. Police Complaint Statistics 2005/06

The IPCC collects annual complaint statistics from all 43 Home Office forces across England and Wales, which are published in an annual report. The complaints recorded by forces concern the conduct of police personnel. For example, they may cover improper behaviour, inappropriate language, or lack of action by someone serving with the police. In 2005/06, a total of 26,268 complaint cases were recorded in England and Wales. This represents an increase of 15 per cent on the previous year. Table 1 presents figures on police complaints for the year 2005/06 and a comparison with the figures for 2004/05. There was a high degree of variation across police forces, with some forces recording substantial increases and others decreases.

A complaint case may consist of one or more allegations. A total of 40,384 allegations were recorded in 2005/06, an increase of 16 per cent on 2004/05. This is an average of 1.5 allegations per complaint case. The categories with the largest numbers of allegations recorded were 'Other Neglect or Failure of Duty' (22 per cent of the total), 'Incivility, Impoliteness and Intolerance' (20 per cent) and 'Other Assault' (16 per cent).

In 2005/06, 26,880 people made complaints about the conduct of persons working in the police service in England and Wales. The majority of complainants were those who were directly affected by the conduct of police (87 per cent). Those 'adversely affected' (for example those who were inconvenienced or experienced distress as a result of an incident) account for 7 per cent, while

witnesses account for 3 per cent and representatives 2 per cent. The number of witnesses making a complaint increased from 231 in 2004/05 to 856 in 2005/06.

A total of 30,105 people working in the police service in England and Wales were subject to a complaint in 2005/06. Of those whose occupational status was identified, police officers were the largest group (93 per cent), followed by other contracted and police staff (5 per cent) and special constables, traffic wardens and community support officers (2 per cent).

A total of 38,199 allegations were closed in 2005/06, representing a 37 per cent increase compared to 2004/05. Closed allegations were dealt with in the following ways:

- local resolution – 46 per cent
- investigation – 28 per cent
- dispensation – 14 per cent
- withdrawn – 12 per cent.

Allegations dealt with through investigation increased from 20 per cent to 28 per cent. This increase reflects the rise in complaint cases during the previous year and the time required to undertake an investigation compared to other ways of handling a complaint. Despite the percentage increase, the outcome of investigations remained stable, with 88 per cent of allegations found to be unsubstantiated and 12 per cent substantiated.

Table 1 Complaint cases recorded by police forces

Police force area	2004/05	2005/06	% change
Avon and Somerset	540	618	14
Bedfordshire	286	269	-6
Cambridgeshire	288	339	18
Cheshire	567	488	-14
City of London	68	77	13
Cleveland	361	500	39
Cumbria	209	248	19
Derbyshire	165	432	162
Devon and Cornwall	690	833	21
Dorset	218	283	30
Durham	199	198	-1
Dyfed-Powys	164	182	11
Essex	603	616	2
Gloucestershire	248	287	16
Greater Manchester Police	1,481	1,678	13
Gwent	184	202	10
Hampshire	771	923	20
Hertfordshire	358	406	13
Humberside	295	355	20
Kent	406	522	29
Lancashire	730	811	11
Leicestershire	468	376	-20
Lincolnshire	224	288	29
Merseyside	695	684	-2
Metropolitan	3,553	4,811	35
Norfolk	483	567	17
North Wales	268	315	18
North Yorkshire	327	392	20
Northamptonshire	340	426	25
Northumbria	518	574	11
Nottinghamshire	446	495	11
South Wales	582	589	1
South Yorkshire	378	393	4
Staffordshire	724	671	-7
Suffolk	253	327	29
Surrey	439	551	26
Sussex	319	333	4
Thames Valley	706	807	14
Warwickshire	168	209	24
West Mercia	717	796	11
West Midlands	1,695	1,335	-21
West Yorkshire	600	800	33
Wiltshire	164	262	60
<b>Total</b>	<b>22,898</b>	<b>26,268</b>	<b>15</b>

## 4. Deaths During or Following Police Contact 2005/06

Under the Police Reform Act 2002, police forces in England and Wales have a statutory duty to refer to the IPCC any incident involving a death following police contact.<sup>1</sup> This allows the IPCC to determine whether or not to investigate and to decide the level of independent oversight required for the case.

All deaths referred to the IPCC are considered to establish whether they meet the criteria for inclusion in the IPCC statistics on such deaths. The four IPCC categories are as follows:

**Category 1: Road traffic fatalities** includes deaths of motorists, cyclists or pedestrians during police pursuits, police vehicles responding to emergency calls and other police traffic-related activity.

**Category 2: Fatal shootings** includes fatalities where police officers discharge the fatal shots.

**Category 3: Deaths in or following custody** includes deaths of persons who have been arrested or otherwise detained by the police. It includes deaths that occur while a person is being arrested or taken into detention. The death may have taken place on police, private or medical premises, in a public place or in a police or other vehicle.

**Category 4: Deaths during or following other police contact** includes deaths where a link can be established between the police contact and the death, and which did not involve arrest or other detention.

It should be noted that the definitions do not include deaths of police personnel or incidents that involve off-duty police personnel.

Between 1 April 2005 and 31 March 2006, forces in England and Wales referred 118 deaths to the IPCC which met the criteria for inclusion in the above categories. Table 2 shows that 48 of these deaths were the result of road traffic incidents, five were fatal shootings, 28 deaths occurred in or following custody and 37 took place during or following other types of police contact.

There has been an increase in the overall number of deaths reported over the recent year from 107 in 2004/05 to 118 in 2005/06. Much of this change can be accounted for by an increase in the number of deaths occurring during or following other police contact (Category 4), from 24 deaths in 2004/05 to 37 in 2005/06. This category includes deaths

Table 2 Deaths during or following police contact, 2004/05 and 2005/06

Category	2004/05	2005/06
Road traffic fatalities (Category 1)	44	48
Fatal shootings (Category 2)	3	5
Deaths in or following custody (Category 3)	36	28
Deaths during or following other police contact (Category 4)	24	37
<b>Total deaths included in categories</b>	<b>107</b>	<b>118</b>

1 Paragraph 4(1)(a) and 13(1)(a), Schedule 3, Part 1, Police Reform Act 2002, as amended by the Serious Organised Crime and Police Act 2005, Schedule 12.

## Guidance on safer detention and handling of persons in custody

ACPO and the Home Office have produced guidance about the care and treatment of detained persons, *Safer Detention and Handling of Persons in Custody*. This guidance was developed throughout 2005, and the IPCC made a significant contribution to the consultation process. The final guidance was agreed in January 2006. A Programme Board has been set up which regularly reviews and updates the guidance in addition to overseeing the implementation. The IPCC looks forward to having representation on the Board in the near future.

which have occurred across a range of different circumstances, so it is difficult to identify one specific factor which accounts for the increase.

### Road traffic fatalities

In 2005/06 there were 48 road traffic fatalities. Although this number has increased by four compared to the previous year, the actual number of fatal road traffic incidents has decreased from 43 incidents in 2004/05 to 42 in 2005/06, as a greater number of incidents resulted in multiple fatalities. Of the 48 deaths:

- 40 of those who died in these incidents in 2005/06 were male
- 16 people were aged under 21 years
- six individuals were from minority ethnic groups: three were of Asian origin, two were black Caribbean and one was of mixed background
- 27 of the 42 road traffic incidents occurred during or shortly after a police pursuit, resulting in 32 fatalities
- four people died in an incident which involved a police vehicle responding to an emergency call
- 11 of the road traffic incidents occurred during other police traffic activity, such as routine patrol, resulting in 12 fatalities
- ten of the 48 individuals who died were pedestrians and one was a cyclist.

**For further information on the research the IPCC is doing into road traffic incidents and how they can be reduced, see section 8 on page 32.**

### Fatal police shootings

In 2005/06, five men were fatally shot by police. Three men were white British, one was of Brazilian origin and the other was of black Caribbean descent. The shootings involved armed officers from Greater Manchester, Northumbria, Staffordshire and the Metropolitan Police Service. All these fatalities have been or are being independently investigated by the IPCC.

**For further information on the use of police firearms and incident case studies, see section 6 on page 26.**

### Deaths in or following police custody

During 2005/06 28 deaths occurred in or following police custody, a reduction from 36 such deaths during 2004/05. Of the 28 deaths:

- 23 people were from a white ethnic background, two individuals were of mixed race, two people were of Asian origin and one person was of black Caribbean descent
- six of those who died were women
- the average age of those who died was 43 years old
- three of the people who died were declared dead in a custody suite
- two people died during arrest
- 23 deaths occurred after a detainee had been taken to hospital after being taken ill or identified as being unwell in police custody
- one of these deaths was a result of an attempted suicide in a police cell
- 21 were reported to be under the influence, or in possession, of drugs or alcohol or had been arrested for a drug or alcohol-related offence
- two had been detained under Section 136 of the Mental Health Act 1983.

**For further case studies of deaths in police custody see pages 33, 34 and 37.**

### Deaths during or following other police contact

In 2005/06 37 people died during or following police contact. Of these:

- 33 had a white ethnic background
- ten were white females
- three were black Africans and one individual was of mixed Burmese and Belgian origin
- the average age of those who died was 38 years old

- seven occurred when an individual was apparently attempting to avoid police contact
- two people died after allegedly swallowing drug packages having been approached by officers
- three people died during a siege situation
- three individuals died or became ill while officers were attempting to restrain them
- nine of the deaths were alleged murders which occurred after the police had been contacted by an individual concerned for their own or another's welfare
- in nine instances, a person died after having been reported as a missing person by family or carers, or after a member of the public reported concerns about the welfare of an individual who later died. In many of these cases it is alleged that officers may have taken insufficient or no action to find or care for them
- the remaining four deaths included a man who shot himself in a vehicle shortly after a road traffic police pursuit.

## IPCC investigations

Table 3 provides information on the level of investigation for each fatal case. The IPCC is involved in the investigation of 81 per cent of the 118 death cases. Of these, the IPCC is carrying out independent investigations into 18 deaths, managing 47 and supervising 30 cases. The remaining 23 cases are being dealt with locally by police forces.

Further information on deaths is contained in the IPCC report, *Deaths During or Following Police Contact 2005/06* (you can find this at [www.ipcc.gov.uk](http://www.ipcc.gov.uk)).

**Table 3 Deaths during or following police contact by type of fatality and investigation type,\* 2005/06**

Fatalities	Road traffic fatalities		Fatal shootings		Deaths in or following custody		Deaths during or following other contact		Total	
	N	%	N	%	N	%	N	%	N	%
Independent	0	—	5	100%	8	29%	5	14%	18	15%
Managed	24	50%	0	—	8	29%	15	41%	47	40%
Supervised	10	21%	0	—	6	21%	14	38%	30	25%
<b>Total IPCC</b>	<b>34</b>	<b>71%</b>	<b>5</b>	<b>100%</b>	<b>22</b>	<b>79%</b>	<b>34</b>	<b>92%</b>	<b>95</b>	<b>81%</b>
Local	14	29%	0	0%	6	21%	3	8%	23	19%
<b>Total deaths</b>	<b>48</b>	<b>100%</b>	<b>5</b>	<b>100%</b>	<b>28</b>	<b>100%</b>	<b>37</b>	<b>100%</b>	<b>118</b>	<b>100%</b>

\* Investigation type as reported on the IPCC Case Tracking and Management System at 31 March 2006.  
Percentages are rounded and therefore may not add up to 100 per cent.



## Apparent suicides following release from police custody

The IPCC presents figures on apparent suicides<sup>2</sup> following release from police custody separately from the overall figures on deaths during or following police contact. This is because analysis of deaths of this type referred to the IPCC clearly suggests that there are inconsistencies across forces, and the inclusion of these statistics with other deaths would undermine the validity of the overall figures. The IPCC is currently working jointly with ACPO to look at ways of addressing this issue.

In 2005/06 the IPCC was notified of 40 suicides following release from police custody which met the criteria for inclusion in this report. That is, they occurred within two days of release from police custody or there was something about the period of police custody which could be seen to be relevant to the subsequent death and therefore required further investigation.

Thirty-two (80 per cent) of the 40 suicides occurred within two days of release from police custody, with 12 of the attempts occurring within 24 hours of release. The IPCC is involved in the investigation of 19 of these cases; 17 are supervised and investigations into two deaths, both of which occurred within a few hours of release, are being managed by the IPCC.

Ten (25 per cent) of those who died were arrested for a sexual offence; two of these offences related to taking or being in possession of indecent images of children. Eight people had been detained under the Mental Health Act 1983 and six had been arrested for an alcohol or drug-related offence. Fourteen people (35 per cent) were reported to have mental health needs, and 16 were reported to be in possession, or under the influence, of drugs or alcohol at the time they were arrested, or were known substance misusers.

## Related IPCC research

The IPCC is currently undertaking research examining near death incidents in police custody. Over a 12-month period, medical practitioners working in a sample of custody suites have provided information on any near-death incidents they have attended by means of a questionnaire. The details of these incidents will be explored further in a series of in-depth interviews.

The study aims to inform policy and practice regarding the prevention and management of such incidents and intends to report in early 2007. During 2007, the IPCC will also be undertaking a retrospective study drawing on findings from completed investigation reports into deaths during or following police custody. This will identify trends, key issues and areas for learning over the previous three years.

<sup>2</sup> It should be noted that the term 'suicide' does not necessarily relate to a coroner's verdict, as in some cases verdicts are still pending. In these instances, the case is only included if, after considering the nature of death, the circumstances suggest that death was the intended outcome of a self-inflicted act, for example a hanging or where there was some evidence of suicidal intent such as a suicide note.

## 5. Learning from Investigations



Since the IPCC began operations, a central part of the guardianship role has been to ensure that the lessons learned from its investigations are fed back into operational policing. This is a process that benefits all stakeholders in the complaints system: it starts with the recommendations made by senior investigators and Commissioners in individual cases, continues with the wider communication and promotion of best practice, and is eventually measured by evidence of improvements in police training and practice.

The process is often mediated by specific research to ensure that recommendations concerning procedures, the use of equipment or training activities are widely applicable. A priority in this work is the means to ensure that lessons deriving from investigations into fatalities and other independent investigations are effectively translated into sound operational practice.

At the close of 2005/06, IPCC Chair Nick Hardwick announced IPCC plans to re-establish the national, strategic Learning the Lessons Committee. The Committee will involve the IPCC, Home Office, ACPO, HMIC, APA and National Policing Improvement Agency (NPIA) working together to quality-assure the learning gleaned from all parts of the complaints system and to ensure the right processes are in place to integrate that learning into police practice.

# 6. Firearms and Major Investigations

The British tradition is of an unarmed police force, but armed response may be required where there is a threat to the lives of members of the public or police officers. The IPCC recognises that police officers who carry firearms are often faced with extremely difficult decisions in life-threatening situations. There must be effective accountability for how lethal force is used, but these investigations need to be carried out with great care and professionalism.

## Firearms investigations

During the last two years the IPCC has conducted independent investigations into 11 incidents involving the use of firearms by the police.

An IPCC investigation will usually begin by a referral from the force concerned very quickly after the incident has occurred. The IPCC will immediately deploy a senior investigator (SI) to assess the incident and ensure the necessary initial steps have been taken.

The SI will report back and a decision will quickly be made about whether the incident should be independently investigated. All fatal shootings have been independently investigated. Once a decision to independently investigate has been made, the full investigative team will be called out and the investigation will begin. The IPCC has a 24-hour/365-day response capacity.

The IPCC investigations are a search for the truth – they do not start with the assumption that a crime has been committed. Regulation 9 notices (warnings to officers that they are under investigation for a disciplinary offence) and interviews under caution are not routinely used.

On some occasions, the IPCC investigation will need to take place in parallel with a police investigation into a related criminal offence. Suitable liaison arrangements will be made depending on the circumstances of the case.

As with all investigations, the intention with these is to carry them out thoroughly but efficiently. IPCC independent investigations are on average four months faster than those carried out under the supervision of the PCA.

At the conclusion of each investigation a report must be submitted to the Crown Prosecution Service (CPS) if the investigation finds evidence that suggests a criminal offence may have been committed. The report will also be passed to the disciplinary authorities and coroner as required. The case will not be concluded until these bodies have completed the legal proceedings for which they are responsible.

An independent investigation was carried out into the fatal shooting by police of John Mark Scott in Stocksfield, Northumbria, in July 2005. Mr Scott died from a single shot to the chest in an armed siege. He had earlier been seen by a police officer attacking a woman and had discharged a firearm, although neither the woman nor the police officer was injured. He had then barricaded himself in his house, and armed officers and trained negotiators were called to the scene.

The IPCC SI attended the scene that evening, after the event, and remained there with Northumbria Police throughout the weekend. Commissioner Gary Garland concluded that there was no indication that any criminal offence had been committed. This was the first instance of an IPCC firearms investigation case that did not need to be referred to the CPS. A copy of the report was passed to HM Coroner for Newcastle-upon-Tyne.

## Improving timeliness

The IPCC started an investigation following the fatal shooting of Craig King by Greater Manchester Police in Tameside, on 10 September 2005. Armed response officers were deployed to Crawford Street, Ashton-under-Lyne after a shot was fired at a house containing a family and two police officers who had been called

to an incident. Mr King was later shot by officers and taken to Tameside General Hospital where he died.

The incident was immediately referred to the IPCC, which chose to use its own investigators to carry out an independent investigation. The investigation took 12 weeks. In comparison, the average length of a PCA investigation into a fatal shooting was 7 months (based on incidents referred to the PCA and accepted for supervision between January 1998 and November 2001).

Commissioner Naseem Malik concluded that there was no indication that a criminal or disciplinary offence had been committed and that the officers acted properly and professionally.

## Community reassurance

The IPCC is developing networks of community contacts that enable it to identify and address community concerns after an incident.

Following a shooting in Newtown, Birmingham in October last year, the IPCC was quick to allay rumours and suspicions that police firearms had been involved. In the early hours of 24 October 2005, police had received several reports, including one from the fire service, that there was an armed man in the area. An armed response team was duly sent out to search for the man. Officers saw a man stumble and fall; when they approached they found he had gunshots to his head and arm. They gave first aid and called paramedics. The man later died in hospital. Rumours circulated in the media that he had been shot by police.

Two IPCC investigators went straight to the scene to assess the situation. Later on the same day, Commissioner Amerdeep Somal was able to issue a statement to the press saying that the investigators had already been able to establish that no police firearm was discharged during the evening. They were also able to confirm that the bullet recovered from the body was not consistent with any that was issued to police.

## Family liaison

An important aspect of all investigations carried out by the IPCC continues to be the close communication maintained between those leading the investigation and the immediate families of those involved, particularly in the most serious cases. Sometimes contact will be direct but may be through the family members' legal advisers if this is their wish.

Since October 2004, specialist training as Family Liaison Managers (FLMs) and Co-ordinators (FLCs) has been established for IPCC investigators.

The training includes bereavement and loss counselling, case studies, risk assessment, the role of the coroner, inquests, handling the media, family liaison strategies, the role of the pathologist and post-mortems, forensics and exhibits and support groups. Refresher training has also been provided, and there is increasing focus on learning the lessons from deployment. By the end of March 2006 about 40 per cent of IPCC investigators had received training as either FLMs or FLCs, and this has proved to be highly valuable in subsequent case deployments.

Of course, family members want to know exactly what happened. Sometimes legal proceedings may delay this, but the IPCC aims to keep family members as fully informed as possible.

Following the fatal shooting of Philip Marsden by Staffordshire police officers on 19 December 2005, the IPCC immediately set up an independent investigation. To assist the inquiry it commissioned a specialist company to create a virtual reconstruction of the scene of the shooting. The reconstruction used computer graphics to show Mr Marsden's position in relation to the officers and the angle of the shot.

The IPCC concluded that no criminal offence had been committed. Mr Marsden's family was shown the reconstruction and it helped them to understand exactly what happened.

Eric Marsden, brother of Philip Marsden said: "We are being well looked after by the IPCC; they are keeping us informed about how the investigation is going and are answering any questions we have. We are pleased with the thoughtful and helpful way they are handling it."

## Post-incident procedures

In a controversial, much publicised case, Harry Stanley was shot and killed by Metropolitan Police Service officers in September 1999 as he walked home in Hackney, East London, carrying a table leg in a blue plastic bag. The police had been alerted that he was carrying a sawn-off shotgun; they challenged him and he was shot. The inquiry into the shooting was carried out by Surrey Police and supervised by the PCA before it was passed to the IPCC. It was alleged that excessive force had been used and the officers had colluded to deliberately falsify their accounts of the incident. Two inquests were held into the death.

Three IPCC Commissioners were involved in considering the case – Deborah Glass, Tom Davies and Rebecca Marsh. In February 2006 the Commissioners decided that the weight of evidence supported the officers' actions as being appropriate in the circumstances.

They believed that there was no realistic prospect that a police tribunal would find that either officer had breached the police code of conduct. They did not find any evidence that the officers had deliberately falsified their accounts but concluded that the system allowing police officers to 'pool' accounts after such incidents was flawed as it led to a perception of collusion.

The IPCC has called for the ACPO Committee on the Police Use of Firearms to revise the current protocol on how officers write up their accounts of fatal incidents as a matter of urgency. It is also calling for more research into how firearms officers should deal with people under the influence of alcohol or drugs or suffering from mental health problems.

## Learning operational lessons

An important aspect of the IPCC approach is to feed back the key lessons that it learns from each incident. For example, following the independent investigation into the fatal shooting of Philip Prout, from Cornwall, on 4 May 2004, recommendations were made to the Devon and Cornwall Constabulary and the police service nationally.

Mr Prout was armed with a samurai sword and two other bladed weapons; he was shot in the abdomen after the police had tried to restrain him with the use of a baton gun. The weapon failed to discharge two successive rounds. The baton gun used was of a type introduced in 1993, when it was authorised solely for public order purposes. Concerns were expressed about some aspects of its functioning at that time, but these were not addressed when in 2001 the weapon was authorised for use as a less lethal option in situations when conventional firearms were also deployed. When one particular police force reported a malfunction, the problem was to be addressed as a training issue.

The IPCC concluded from its investigation that the problems were a consequence of the weapon's design and that ACPO should consider the feasibility of modifications to the weapon to reduce the risk of failure. It made various recommendations designed to improve the use of the baton gun in the interim.

The CPS reviewed all the evidence to consider potential offences of murder, manslaughter or misconduct before announcing in August 2005 that there was insufficient evidence for a prosecution against any police officer involved.

The jury at the subsequent inquest at Plymouth Coroner's Court in November 2005 gave a verdict of lawful killing. The officer whose baton gun had failed to function received a written warning for failing to set the weapon correctly prior to use.

In the light of what was revealed by this investigation, ACPO has changed its practice guidance for the use of the equipment.

## Fatal shooting of Jean Charles de Menezes, Stockwell Underground Station

As has been widely publicised, on 25 July 2005 the IPCC began an investigation into the shooting of Jean Charles de Menezes, a Brazilian man, at Stockwell Underground Station, south London. The case was overseen by the IPCC Chair, Nick Hardwick.

The case subjected the IPCC to intense international scrutiny and has raised complex legal and ethical issues. The IPCC recognises and shares the frustration that it has not been possible to publish its report prior to the conclusion of legal proceedings.

In November 2005 a second IPCC independent investigation was begun following formal complaints made by the de Menezes family that the Metropolitan Police Service had made false public statements after the fatal shooting. A team based in the IPCC's Central region and overseen by a panel of three Commissioners – Mehmuda Mian Pritchard, David Petch and Naseem Malik – led this investigation.

The IPCC submitted its main investigation report into the shooting of Jean Charles de Menezes to the CPS on 19 January 2006. As required by law it also sent copies to the Metropolitan Police Authority and the Metropolitan Police Service. In addition, because of the 'grave and exceptional' nature of the incident the IPCC used its discretionary powers to give a copy of the report to the Home Secretary. The coroner was also provided with a copy.

In March 2006 the IPCC submitted an additional report outlining recommendations and lessons to be learnt following the fatal shooting (not yet published for legal reasons) to the Metropolitan Police Authority, the Metropolitan Police Service and the Home Office. The IPCC is working with HMIC to ensure these recommendations are taken forward.

By 31 March 2006 the CPS were still considering whether to bring charges. Subsequently in July 2006 (outside of this Annual Report period), the CPS announced the prosecution of the officer of the Metropolitan Police Service for a health and safety at work offence. The CPS also decided that there was insufficient evidence to bring prosecutions against any individual officer.

On 16 August 2005, ITN reported a leak of unauthorised disclosure of material relating to the Stockwell investigation. It quickly became clear that a member of IPCC staff had made the unauthorised disclosure. Nick Hardwick subsequently apologised for the leak and established a separate independent review into the circumstances, carried out by the former Chief Inspector of Constabulary for Scotland, Bill Taylor. The matter was also referred to the police, although no criminal charges were subsequently brought.

Mr Taylor made a number of recommendations in relation to unauthorised disclosure of information in relation to the Stockwell investigation. These were accepted in principle and Mr Taylor was subsequently asked to review progress on implementation. He concluded good progress had been made.

**For more information about fatal firearms statistics please refer to page 22.**



# 7. Less Lethal Options

The police service has to deal with a range of difficult and often violent situations, the handling of which can put the public's and police officers' safety at risk. The IPCC has investigated and made recommendations on a number of these cases during the year.

## Tasers

The IPCC supports the use of less lethal weapons such as baton guns and Tasers where feasible as an alternative to firearms. Given early concerns expressed about the use of Tasers, forces had been asked to refer to the IPCC any incident in which a Taser was used. However, early referrals did not raise issues of concern, and following extensive trials and experience of the Taser in practice in May 2005 the IPCC decided automatic referral was not required. The IPCC supports a gradual and careful extension of the deployment of Tasers.

On 26 July 2005, in the search for terrorist suspects following the London bombings of 7 July, West Midlands Police received information that a suspect was staying in the Hay Mills neighbourhood of Birmingham. They set out to arrest him and in the process used a Taser to restrain him. The incident was the subject of considerable media focus and the force voluntarily referred the matter to the IPCC.

The subsequent supervised investigation, carried out by West Midlands Police Professional Standards Department under the supervision of Commissioner John Crawley, was in two parts. The first was a review of the circumstances that led to the use of the Taser during the police operation on 21 July 2005. The second was a review of research and best practice known at the time of the operation to guide officers in the use of Tasers, and into research guidelines and best practice relating to the use of Tasers in anti-terrorist operations.

At the end of the first part of this investigation the IPCC confirmed to West Midlands Police that the operation was well planned and professionally executed. John Crawley commended the officers on their outstanding courage and remarkable steadfastness of judgement.

## Police dogs

In January 2006 the IPCC upheld an appeal against the findings of a police investigation into a complaint made about the way an officer deployed his police dog during a public disorder incident in May 2004.

Several people in the area at the time of the disorder complained of being bitten and of their clothing being damaged by a police dog. The complaint was subject to an IPCC supervised investigation, and the force investigation officer did not uphold the complaint. A complainant appealed to the IPCC which upheld the appeal and ordered the force to reinvestigate.

Having examined the evidence and circumstances of the incident during the appeal process, the IPCC was not satisfied that the police dog had been used appropriately against the complainant. The manner of deployment was not justified by the circumstances faced by the dog handler and was also not in line with the force's guidelines on the use of dogs. As a result the police officer received a written warning in respect of his conduct on the day in question.

Since this incident the police force involved has implemented significantly improved dog-handling training above that specified in the National Police Dog Assessment Model. The developments include use of force and evidence-gathering lectures, along with environmental training.

## Dynamic entry

In February 2005 the IPCC started a managed investigation into a complaint against Merseyside Police of assault and excessive use of force. Although these specific complaints were not substantiated by the investigation, the investigation made recommendations concerning the force's actions.

A man, who had suffered long-term mental health problems and was diagnosed as having schizophrenia, had been arrested following a request by a local mental health trust, and a firearms operation had been sanctioned. The arrest involved setting off stun grenades as distraction devices in the man's home.

The IPCC found that there was a failure to comply with the ACPO *Manual of Guidance on Police Use of Firearms*. The authorising officer had failed to record what he had authorised and why the authority was necessary, justified and proportionate. The investigation did find that the use of firearms was necessary, justified and proportional but that the tactics of dynamic entry and the use of distraction devices were not.

As a result of the investigation an ACPO rank officer, a superintendent and a police sergeant all received words of advice. The IPCC also made a number of recommendations to Merseyside Police concerning procedures surrounding the use of firearms.



## 8. Road Traffic Incidents



The highest proportion of deaths following police contact in 2005/06 resulted from police-related road traffic incidents. Concerns about these incidents led the IPCC to conduct a study examining those incidents involving the police which have resulted in death or serious injury. The project aims to report on the extent to which these incidents occur in relation to police pursuits, emergency response and other police activity.

The study will report on trends, the circumstances surrounding the incidents and any lessons that can be learned concerning police policy and practice. It will also examine the extent to which existing legislation, protocols and guidance in the use of police vehicles are adequate to prevent avoidable accidents, with particular regard to the use of sirens and lights and the observation of speed limits, traffic lights and pedestrian crossings.

The project began in summer 2005 and consists of two phases: the first aims to establish the prevalence of road traffic incidents involving the police and any related trend information. The second phase involves a more detailed look at the incidents using completed investigation reports. The project is due for completion in autumn 2006 and the final report will be published and laid before Parliament.

### Investigations

The IPCC has been involved in a number of investigations into road traffic incidents during the course of 2005/06.

A police officer from Sussex Police, was driving a marked police car when he collided with a Ford Focus driven by Karen Stagg in January 2005. Mrs Stagg died in the collision and her 12 year old son sustained serious injuries. The IPCC conducted a managed investigation into the incident and, in April 2006, the police officer was found guilty of careless driving. The officer is appealing against the verdict.

In a separate road traffic investigation, the IPCC made recommendations to Merseyside Police concerning procedures for dealing with vehicles that may constitute a public nuisance. Two boys, aged 13 and 11, suffered serious injuries after an accident on a mini-motorcycle when police in a marked car, using their lights and a siren, had attempted to stop the vehicle.

**For more information about road traffic fatalities please refer to the statistics on deaths during or following police contact on page 22.**

## 9. Restraint



A case which highlights the importance of establishing best practice in the handling of violent people involves Andrew Jordan, who died on 7 October 2003. His death occurred after he was restrained by Metropolitan Police Service officers and members of the London Ambulance Service (LAS) following his detention under the Mental Health Act 1983.

Commissioner Mehmuda Mian Pritchard received the final report from the Metropolitan Police Service in December 2004 and completed the supervision of the investigation in January 2005. In May 2005, the CPS decided there was insufficient evidence to bring any prosecutions. The IPCC-supervised inquiry file was then passed to HM Coroner for south London, Dr Roy Palmer.

On 27 January 2006 the inquest jury found that Mr Jordan died from cardio-respiratory arrest caused by positional asphyxia during struggle and arrest and also from paranoid schizophrenia. The jury's narrative verdict noted the length of time that Mr Jordan had been held in the prone position and that neither the LAS crew nor the mental health team had any prior knowledge of positional asphyxia. At the year-end the CPS was giving further consideration to the case in the light of the inquest findings.

The IPCC shares the jury's concern about the use of the prone position following arrest and the lack of training in positional asphyxia.

# 10. Custody



## The transfer of prisoners

In July 2005 the IPCC concluded an independent investigation into the police care of Marc Keeling, who was found dead in his cell in HMP The Dana, Shrewsbury. Although deaths in prison are outside the remit of the IPCC, the Commission can consider the potential impact of police involvement with a prisoner before death. In this case, police from Staffordshire had been involved in the transfer of Mr Keeling following his arrest, from Fenton Magistrates' Court to HMP The Dana, a few days before his death.

The main documentation accompanying all prisoner transfers is the Prisoner Escort Record (PER) form, which incorporates relevant and up-to-date risk assessments, including that of self-harm. On Mr Keeling's PER form the risk of self-harm had simply been recorded by a ticked box with no commentary and no explanation of the 'suicide watch' that the prisoner had been under, and no record of his earlier comment to the force medical examiner that he now felt he would be better off dead.

The investigation found that there was a lack of a proper control system for inducting and training custody staff. There also needed to be more thorough completion of the PER form, unequivocal rules concerning the allocation of responsibility and a proper spot-check routine. Investigators also considered that the design of the PER form needed improvement, particularly to highlight information concerning a prisoner's potential for self-harm.

Two other IPCC investigations and one incident, considered by an inquest but not involving the IPCC, also involved inadequate records made on PER forms. The IPCC is working with the National Safer Custody Forum to address this issue across the criminal justice system.

# 11. Emergency Calls



The IPCC carried out an independent investigation in March 2005 concerning Colin Pryer, who died in a caving incident in North Yorkshire. The complaint concerned the way that both Northumbria and North Yorkshire Police handled emergency calls made by Mr Pryer's partner when he failed to make contact with her.

When she dialled 999 for the first time she was put through to Northumbria Police, but was advised to call the emergency number again and ask for North Yorkshire Police – the area Mr Pryer was caving in. When she did this, however, she was directed to the Northumbria Police again. The police operator then advised her to call directory enquiries for the North Yorkshire Police number. She then called the North Yorkshire Police, on a non-emergency line, and was kept on hold for about 12 to 15 minutes. Eventually a cave rescue team was alerted but the telephone delays had amounted to about 30 minutes.

The IPCC set out to consider the Northumbria Police operators' responses to these calls and determine whether the delay might have contributed in any way to Mr Pryer's death. They concluded that it could not have affected the outcome of Mr Pryer's accident, but investigators were concerned that the response of the operators was not in line with Northumbria Police policy on dealing with emergency calls.

Northumbria Police were asked to ensure their staff were made aware of the policy for handling calls that are intended for other forces, and to consider additional training for their operators. Both forces have subsequently acted on the recommendations in the IPCC report.

# 12. Stop and Search

The rapid pace of technological change in consumer electronics and telephony is enabling the public to capture evidence that would not have been recorded a few years ago.

Three cases investigated by the IPCC have depended on mobile telephones that can capture video clips of incidents. This has given the investigators the new challenge of how to preserve the integrity of such evidence. At the year-end, one case was before the courts and another was under investigation.

The third case was completed just after year-end. The IPCC's first independent investigation, into Thames Valley police officers, concluded in April 2006 after no evidence of racism was found following a stop and search incident in Milton Keynes. Evidence of some of the events was captured on a mobile handset. This was supplemented by eyewitnesses, who were traced by IPCC investigators after a public appeal and house-to-house enquiries.

The use of stop and search continues to be an area of public concern. While stop and search is a legitimate and effective police activity when used correctly, incidents in which individuals have been repeatedly stopped and checked can cause tensions and lead to complaints. The IPCC takes these complaints very seriously, particularly where allegations include harassment and racial discrimination.

The IPCC conducted an independent investigation into allegations made by a complainant who believed he was being racially discriminated against having been stopped on numerous occasions by West Midlands Police. The investigation found that the force was not undertaking ethnic monitoring in relation to vehicle stops and therefore was not able to demonstrate its general approach, or that of its individual officers, was non-discriminatory. Recommendations were made to ensure that appropriate monitoring systems are in place in the future.

The IPCC has a Strategic Support Group examining issues in relation to stop and search with the focus on restoring public confidence in the police use of stop and search.

# 13. Healthcare (Including Mental Health)

In the 2004/05 Annual Report, the IPCC drew particular attention to the fact that mental health was an issue in a number of cases that it had dealt with, including many fatal and serious incidents. This has continued to be a high priority for the IPCC.

The challenges presented by meeting the needs and ensuring the appropriate handling and care of people with serious mental health needs (who are over-represented throughout the criminal justice system, including police custody) are now well documented.

A major reform programme in prison health services, crucially including mental health support services, has been under way for some years now, and the same principles are being applied to the rest of the system through the Government's 'Extending Offender Health Support' programme. The IPCC has been supporting this work and is keen to see it through to fruition.

The IPCC's strategy during the year has concentrated on two themes, namely:

- ensuring that it develops its systems to capture the learning from the wide variety of complaint and serious incident cases it handles where mental health is a significant dimension
- continuing its high-profile work to minimise the inappropriate use of police stations as places of safety for vulnerable people in need of care and formal mental health assessment following their detention under Section 136 of the Mental Health Act 1983.

The latter now includes an important research project that seeks to examine the use of Section 136 to detain people in a police cell as a place of safety across all 43 police forces in England and Wales. The intention is to identify variations between police forces in the use of Section 136 detentions and then examine the reasons for these differences.

## Vulnerable people

There are safeguards under the Police and Criminal Evidence Act 1984 (PACE) for police officers' handling of vulnerable people, and other specific requirements for those who are mentally disordered.

In one independent investigation a mother complained about the inappropriate treatment her son received following his arrest for criminal damage to his own home.

He was arrested at the supported housing project but at no stage during his subsequent detention did the police arrange for an appropriate adult to attend as required under PACE, despite representations by his mother that he was vulnerable.

The young man was released without charge, having presented various indications that he was disturbed. A social worker who attended failed to assist or support the message that an appropriate adult was essential.

Following his release the man caused numerous incidents over the following 12 hours. Police handled a succession of calls from members of the public but at no stage recognised his pattern of behaviour. The man was eventually arrested and detained under the Mental Health Act 1983.

In addition to these shortcomings, the IPCC investigation noted the lack of adequate advice provided to the police by social services prior to his release and found that previous incidents involving him had not been recorded on the Police National Computer as warning markers of his vulnerability.

## Lessons from the death of Christopher Alder

Christopher Alder, aged 37, died on the floor of the custody suite at Queen's Gardens Police Station in Hull in the early hours of 1 April 1998. The incident was captured on CCTV.

Following a BBC documentary about the case in April 2004, the then Home Secretary asked the IPCC to carry out a review of the events leading up to and following the death of Christopher Alder.

In March 2006 the IPCC published its review. IPCC Chair, Nick Hardwick, concluded: "I do not want there to be any doubt about my findings. The most serious failings were by the four police officers who dealt with Mr Alder throughout his time in the custody suite. I believe they were guilty of the most serious neglect of duty. I do not believe, as has been alleged by some, that any of these officers assaulted Mr Alder. Nor can it be said with certainty, such are the contradictions in the medical evidence, that their neglect of Mr Alder, as he lay dying on the custody suite floor, caused his death. However, all the experts agreed that, at the very least, the officers' neglect undoubtedly did deny him the chance of life."

The review supported both the recommendations made by the Stephen Lawrence Inquiry and the reforms to the police discipline system recommended by Bill Taylor which the IPCC believes will address the systemic issues revealed by the case.

The review made nine recommendations for policing, including:

- When someone has been treated in hospital, the responsible doctor should provide a report of instruction on fitness for detention for the custody officer.
- The police service should review the carriage of detainees in caged vans and ensure continuous monitoring.
- All police Professional Standards Departments should be properly equipped and trained to handle a critical incident.

At the request of the IPCC, the Healthcare Commission carried out an investigation into the care and treatment given to Mr Alder before his death. Both the IPCC and Healthcare Commission found evidence of failures of communication between the health and police services. The IPCC fully endorsed the recommendations made by the Healthcare Commission in its report. The IPCC is committed to working with the Healthcare Commission on taking forward the recommendations. A multi-agency seminar will be taking place at the end of 2006 to look at ways these agencies work together in similar circumstances and how this could be improved in future.

A copy of the Alder Review is available at [www.official-documents.co.uk/document/hc0506/hc09/0971/0971\\_i.asp](http://www.official-documents.co.uk/document/hc0506/hc09/0971/0971_i.asp)



# 14. Learning from Appeals

Two of the major differences between the previous complaints system and the current one are the independence and impartiality the IPCC is able to bring to its activities. Its work in handling a large number of appeals made by complainants particularly reflects this. Appeals can be complex, and need to be handled with thoroughness and sensitivity by casework managers.

The findings from appeals are a good way of drawing out learning from the way that the police carries out investigations.

The IPCC considers the following categories of appeal:

- against the failure of the police to record a complaint
- against the local resolution process
- against the outcome of a police investigation.

During 2005/06 a total of 2,457 appeals were received by the IPCC. Of the 2,140 valid appeals, 633 (30 per cent) were against the non-recording of a complaint, 268 (13 per cent) were against the local resolution process and 1,239 (58 per cent) were against the outcome of a police investigation. There has been a 179 per cent increase in the number of valid appeals received during 2005/06 compared to 2004/05. The rise in appeals is reflected across all three types of appeal, with the largest increase being in appeals against the outcome of a police investigation (368 per cent).

Overall, 19 per cent of the valid appeals received were upheld. Some 57 per cent were not upheld and 24 per cent were still ongoing at the end of the year. The highest proportion of upheld appeals was in the category of non-recording, in which 35 per cent were upheld. A total of 20 per cent of appeals against the local resolution process and 11 per cent of appeals against the outcome of a police investigation were upheld.

## Learning from appeals against non-recording

Successful appeals highlight a number of police practices which are of concern. The most common with regard to the non-recording of complaints included:

- forces making initial enquiries into a complaint and not recording because there was no evidence or because they had taken steps to resolve the complaint
- forces deciding that a conduct complaint was a direction and control or quality of service matter.

## Learning from appeals against local investigations

A young man who had been drinking complained that he was seriously injured after an officer assaulted him and then left him by the side of the road. The original police investigation concluded that no action should be taken against the two officers involved. The appeal was upheld because the original investigation had not been thorough – in particular, the allegation that the man had been left injured by the roadside had not been investigated at all.

The IPCC directed that the matter be re-investigated by a new officer. The new investigation upheld the complaint and concluded that both officers should appear before a 'full powers' misconduct hearing. At the hearing, a charge of neglect of duty was found proven against each officer.

## Learning from appeals against local resolution

By assessing and scrutinising appeals, casework staff in another team identified that a force was not dealing satisfactorily with locally resolved complaints. The IPCC casework managers responsible for the force arranged a practice day with members of the Professional Standards Department to discuss related issues and to provide guidance. Evaluation of subsequent files has resulted in particular improvements in a number of areas.



# 15. Promoting Public and Police Confidence

## Confidence research

In 2004 the IPCC commissioned the British Market Research Bureau (BMRB) to conduct a large-scale survey to assess the public's willingness to complain about the police, awareness of the IPCC and perceptions of the complaints system. The survey, published in full in 2006, found that while willingness to complain was generally high, some groups were less willing to complain, more sceptical about the complaints system or disinclined to use it. These groups included ethnic minorities, people from lower socio-economic groups, young people and those with recent negative contact with the police.

As a result of these findings, in September 2005 the IPCC commissioned MORI to conduct some qualitative follow-up work with these key groups, together with a number of groups who could not be incorporated into the initial survey work. The latter included gay and lesbian people, gypsy and traveller groups and people who don't use English as a first language.

Details of the outcome of the research will be included in the IPCC Annual Report for 2006/07.

## Working more closely with the communities we serve

All four permanent regional offices were open by March 2006. A fifth permanent office will be opened in Wakefield during 2006 to provide an improved base for investigators working in the North region, east of the Pennines, and carrying out the casework functions in relation to Yorkshire and Humberside Police.

### Working with community groups

Each of the IPCC regional offices has put considerable effort into developing closer working relationships with a wide range of groups in the community. The principal vehicle for this has been a number of stakeholder events in the form of conferences,



seminars and workshops aimed at generating a better understanding of the IPCC and complaints system. In addition, the groups and individuals have been valuable sources of advice, support and community reassurance during some of the IPCC's most sensitive investigations. Groups the IPCC worked with include:

- gypsy and traveller groups
- cultural associations
- Victim Support
- Race Equality Councils (RECs)
- lesbian, gay, bisexual and transgender groups
- faith groups
- MPs
- local authorities
- youth organisations.

Commissioners and staff liaise closely with other key statutory policy makers and opinion formers in their region.

## British Muslim forums

The IPCC continues to work closely with British Muslim groups. This contact originated from community organisations that were raising particular concerns about the way Muslims were being policed. The findings of the confidence survey conducted in 2004 also showed that certain groups, including Muslims, had less confidence in the police than others and were therefore less likely to access the complaints system. The IPCC has hosted national and regional meetings with Muslim community representatives. These forums enable participants to raise issues around particular incidents with their communities and, where possible, for the IPCC to provide information about those cases or issues that are causing concern.

## Awareness-raising in Dewsbury

The quantitative survey revealed that awareness of the IPCC and the complaints system was particularly low within the Asian communities – almost half of those questioned (48 per cent) believed the IPCC was part of the police, although only 27 per cent had even heard of it. Notably, 62 per cent of those of Asian origin who were questioned said that they wanted to know more about the complaints system.

In response to these findings the IPCC began a targeted pilot campaign in March 2006 to raise awareness of the police complaints system in Dewsbury in West Yorkshire. It also aimed to learn lessons for future communications

activities. The campaign was aimed at Asian men aged 15 to 25 and involved community meetings, media articles and adverts in local newspapers and on community radio.

## Work with the Children's Legal Centre

The IPCC is currently working with the Children's Legal Centre at the University of Essex in their research project funded by the Nuffield Foundation. This is looking into the complex legislation that applies to children and young people under 16 years of age and their access to the complaints system. In its Statutory Guidance the IPCC committed to working with children and young people's organisations on this issue.

## Disability Equality Scheme

In line with the disability equality duty placed on the IPCC, as a public authority, by the Disability Discrimination (Amendment) Act 2005, the IPCC has developed its Disability Equality Scheme for 2006–09 in partnership with disabled people and organisations with an interest in the Act. Consultation work began in March 2006 using focus groups across the country. A full account of the scheme will be included in next year's Annual Report.

For more information see [www.ipcc.gov.uk/disability](http://www.ipcc.gov.uk/disability)

## Wales and the South West of England

The new IPCC regional office in Cardiff supports the work of three IPCC Commissioners who have responsibility for the organisation's work in Wales and the South West of England. The IPCC Commissioners responsible for South West England are Ian Bynoe and Rebecca Marsh. Tom Davies is the Commissioner responsible for Wales.

Representatives of the IPCC in Wales and South West region have been involved in a number of initiatives aimed at engaging black and minority ethnic (BME) groups. As a joint initiative with the National Assembly for Wales, Welsh police forces and youth organisations, the IPCC is part of a BME Younger People's Forum, launched in December 2005. This has been well received by young people, who have particular influence in the structure, purpose and development of the forum.

The IPCC has developed diversity programmes with Gwent and Dyfed-Powys Police which are structured programmes for engaging with 'hard to reach' groups in each force's area. IPCC representatives have met all RECs and race equality networks in the region on several occasions and have maintained close communications and repeat visits in order to report on and discuss increased tension in Muslim communities following the London bombings in July 2005. There has also been regular contact with police community/safety/action partnerships and diversity departments across the region in relation to engagement with BME communities.

The IPCC is also a lead member of the North Wales Health Forum, which is hosted by North Wales Police and was established to discuss mental health and policing. It has highlighted topics such as places of safety and has encouraged debate on how to stop incidents from recurring. The IPCC has promoted this forum to the Welsh Assembly as a model that should be adopted elsewhere in Wales.

## Race Equality Scheme

The IPCC published its Race Equality Scheme in May 2005, to comply with its duty under the Race Relations (Amendment) Act 2000.

The IPCC's Diversity Committee is headed by the IPCC Chair, Nick Hardwick, and leads the development of the scheme. It comprises staff and IPCC Commissioners who bring practical experience to discussions and take back learning into the regions and their day-to-day work. The committee is responsible for assessing the delivery of the scheme, the IPCC's progress in relation to its action plan and schedule for impact assessing policies. A full review of the scheme is currently in progress.

For more information see  
[www.ipcc.gov.uk/race\\_equality\\_scheme](http://www.ipcc.gov.uk/race_equality_scheme)

## Working with the police service

The IPCC works closely with policing organisations at national and regional levels.

Nationally, the IPCC Chair and Deputy Chair meet regularly with the ACPO lead on Complaints and Discipline. IPCC Commissioners who lead the organisation's work in particular specialisms will meet with the relevant ACPO lead to discuss issues of common concern. Regular bilateral meetings are held with the Police Federation of England and Wales, Police Superintendents' Association and National Black Police Association. IPCC Commissioners and staff attend a wide variety of police conferences, seminars and meetings. These national contacts are repeated at a regional level.

During the year the IPCC has continued to work closely with the Association of Police Authorities (APA) with the aim of improving the complaints system and building on shared objectives. The IPCC's strategy for working with police authorities was finalised at the end of 2005/06. The IPCC and APA Complaints Network Committee meet twice a year. The IPCC and APA also arrange joint meetings at IPCC regional level between Commissioners, regional staff and police authority members.



# 16. Ensuring Accessibility

As well as working with community and stakeholder groups to explain the complaints system, the IPCC also offers people the chance to make a complaint through its own Telephone Complaints Centre (TCC). The TCC is designed as a direct contact point to respond to new allegations of police misconduct and enquiries about the complaints process. For the period 2005/06 the TCC handled 19,530 telephone calls – an increase of 7,444 on the previous year.

The TCC also responds to all new allegations and enquiries that are made in writing. On average it receives 1,000 pieces of correspondence per month containing new allegations of police misconduct or miscellaneous enquiries concerning the complaints process. During the last year the TCC logged approximately 7,900 new complaints received by telephone and in writing.

Another avenue for communication is the Customer Services team, which acts as the first point of contact for general IPCC enquiries received by phone, fax, email, letter and via minicom. Queries come from members of the public, complainants, police and other stakeholders.

Accessibility is a priority, and the IPCC provides information and literature in 15 languages, including Welsh. Key publications are available

in alternative formats such as Braille, audio and large print. It also offers telephone and written translation of any part of the complaints process.

During the year the IPCC produced a number of publications, including literature explaining its powers in relation to investigations into serious complaints made against HMRC and SOCA staff. The information also explained how the public could make a complaint.

Leaflets explaining the local resolution process were also produced in a variety of languages.

The IPCC also commissions user and accessibility tests for its website, and during the year completed a user testing project for its website to ensure it is easy for people with learning difficulties, dyslexia or limited web experience to use.

At the end of the reporting year the number of IPCC website page views stood at 330,834 – over two and a half times the number at the beginning of the year.

# 17. Setting, Monitoring, Reviewing and Inspecting Standards

## The IPCC's Statutory Guidance for the police service

The IPCC's Statutory Guidance was published in August 2005 and sets minimum standards for police forces in the handling of complaints. It came into operation in December 2005. The Guidance is a major building block in the IPCC's guardianship function, suggesting practical ways of making the system work better and helping the police to achieve consistent service delivery to the public.

The Guidance was developed in partnership with two distinct consultation forums which included:

- a **customer group** made up of organisations in the voluntary sector (including Citizens Advice, Saneline, Homeless Link, Gypsy Expressions, the British Council of Disabled People and the Disability Rights Commission), which looked at issues surrounding access to the complaints system, and building links with local communities. A separate group was also formed to work on issues surrounding children and young people's access to the complaints system. This group included representatives from national organisations such as Barnardos and the Children's Society. The IPCC has also continued work in this area with the Children's Legal Centre based at Essex University
- a **police group** comprising representatives from force Professional Standards Departments and police professional associations such as the Police Federation of England and Wales and UNISON, as well as the Home Office and HMIC. Following on from this the IPCC has developed leaflets for police officers and police staff explaining the role of the IPCC and the way the complaints system operates.

The Guidance sets out detailed standards for the police and IPCC around four key outcomes:

- greater access to the complaints system
- improved confidence of police officers, staff and public
- proportionate and timely investigations
- evidence of lessons learned being fed back into operational policing.

A fully interactive and searchable version of the guidance went live in March 2006 and is available online at <http://statguidance.ipcc.gov.uk/>. It includes features such as a 'contact us' button, the opportunity to feed questions to the national office, a section on frequently asked questions, and links to relevant sections of the Police Reform Act 2002, regulations and relevant documents.

## Working with police Professional Standards Departments

IPCC Commissioners and staff meet regularly with the heads of each force Professional Standards Department and the relevant force ACPO lead (normally the Deputy Chief Constable). These meetings enable the force and the IPCC to improve the way they work together and to address any issues of concern. As the IPCC's management information has become more sophisticated, this has allowed both the force and the IPCC to focus on those areas where performance may need to be improved.

In June 2005 the IPCC held a conference in Birmingham that involved the Professional Standards Department heads. Small groups discussed:

- improving access to and confidence in the complaints system
- proportionate and timely investigations
- learning the lessons that resulted.

Regional workshops have been another useful means of communicating directly and fruitfully with the police. A series of workshops and meetings between IPCC and the police forces were organised by staff at IPCC's North region, to improve understanding on both sides about the workings of the police complaints system.

## Working with Her Majesty's Inspectorate of Constabulary (HMIC)

HMIC is one of the IPCC's key partners. Good working relationships have developed, and each organisation will share information relating to the other areas of responsibility and will work closely together where required. Regular liaison meetings are held at a national level.

Although the IPCC has inspection powers, it decided that it was not yet ready to use them in 2005/06. In addition, there was a danger of duplication with the work of HMIC. So the IPCC worked closely in an advisory capacity with HMIC in relation to its inspection of all 43 police force Professional Standards Departments in 2005. It was able to bring to HMIC its experience of working with these forces over the last two years and of operating an outcome-focused approach to improvements in the police complaints system – as set out in the IPCC Statutory Guidance.

## The Taylor Review

A major development has been the review by Bill Taylor of the police discipline system. The review recommended that the discipline system should be modernised, made less adversarial and more focused on improvement. Taylor recommended that while still a regulated system, the police disciplinary arrangements should be modelled on the ACAS system.

The IPCC strongly supported the review. Taylor's recommendations are being taken forward by the Police Advisory Board (PAB) of England and Wales. The PAB consists of members from the APA, ACPO and staff associations, whose function it is to advise the Home Secretary on questions around policing. The Board set up a working group to develop proposals based on the Taylor Review into police discipline, and the IPCC contributed to this work during the year.

# 18. IPCC Objectives for 2006/07



At the heart of the IPCC's work is the belief that public confidence in the police complaints system will lead to greater trust in the police service as a whole, and that in turn will contribute to increasing the overall effectiveness of the police service. The level of public trust and confidence in a police force clearly has an impact on its capacity to carry out its core function of tackling crime and disorder. The greater the public confidence, the more likely it is that individuals will report crime and come forward with information about criminal activity. Raising public confidence in the system is the underlying purpose of the IPCC.

Four aims covering the five years from 2006/07 to 2010/11 were developed to achieve this purpose. In the shorter term, activities required to achieve the four aims in first of these years (2006/07) are contained within the IPCC's four objectives for 2006/07.

The purpose of the IPCC, its aims and objectives are set out on page 48.

## OUR PURPOSE

The IPCC exists to increase public confidence in the system for dealing with police misconduct and complaints by acting independently and improving the efficiency and effectiveness of that system



## OUR AIMS FOR 2010/11

### ACCESS

Increase awareness, accessibility and transparency of the complaints system

### RESOURCES

Reduce resources taken up by the complaints system and make it more effective

### LEARNING

Enable police to learn from complaints and enhance professional standards

### ACCOUNTABILITY

Increase accountability of the police to the public



## OUR OBJECTIVES FOR 2006/07

### PERFORMANCE

Develop a skilled, diverse and professional workforce and improve the performance of the IPCC

### ACCESS

Increase awareness, accessibility and transparency of the complaints system in communities where confidence in the police is lowest

### LEARNING

Develop a system for the IPCC and police to share learning and good practice and improve performance reporting

### NEW BUSINESS

Bring skills and learning from our experience with the police to our work with HMRC, SOCA and IND (E&R)

# 19. IPCC Commissioners and Staff

This is a list of Commissioners' current responsibilities. Some of these responsibilities have been taken on since the end of March 2006 and this list is current at the date of publication.

**NICK HARDWICK** is the Chair of the IPCC. Based at the national office in London, he is accountable to the Home Secretary for the performance of the IPCC. He chairs the Diversity Committee.

- Lead organisational contact: police staff associations, HMIC (with Rebecca Marsh), Home Secretary, IPCC's Advisory Board
- Policy lead role: terrorism-related cases, diversity

**JOHN WADHAM** is Deputy Chair of the IPCC and is based in the national office in London. He chairs the Casework and Investigations Committee.

- Lead organisational contact: CPS, Metropolitan Police Service, coroners, national Muslim organisations, international and overseas police oversight bodies
- Policy lead role: stop and search, IPCC casework and investigations, corruption, custody ombudsmen/regulators' forum, police discipline system (including Taylor Review residual issues with Amerdeep Somal)

**IAN BYNOE** (Wales and South West region) Ian chairs the Guardianship Committee.

- Police force responsibilities: Devon and Cornwall, Dorset, Wiltshire
- Policy lead role: mental health, health and social services (with John Crawley), learning the lessons (with John Crawley)

**JOHN CRAWLEY** (Central region)

- Police force responsibilities: Staffordshire, Warwickshire, West Mercia, West Midlands
- Lead organisational contact: Department of Health, Healthcare Commission, Care Services Improvement Partnership and other agencies in the health and social care field in England, police authorities/APA (with Rebecca Marsh)
- Policy lead roles: mental health, health and social services (with Ian Bynoe), learning the lessons (with Ian Bynoe)

**TOM DAVIES** (Wales and South West region)

- Police force responsibilities: Dyfed-Powys, Gwent, North Wales, South Wales
- Lead organisational contact: health agencies in Wales
- Policy lead role: Wales

**MIKE FRANKLIN** (North region)

- Police force responsibilities: Cheshire, Lancashire, Merseyside, Mersey Tunnel and Port of Liverpool
- Policy lead role: gypsies and travellers, stop and search (with John Wadham)

**GARY GARLAND** (North region)

- Police force responsibilities: Cleveland, Durham, Northumbria and Tees and Hartlepool Port Authority
- Policy lead role: HMRC

**DEBORAH GLASS** (London and South East region)

- Police force responsibilities: City of London, Thames Valley, Metropolitan Police Service (North East), Surrey
- Police lead role: firearms and less lethal options (including ACPO Committee on the Police Use of Firearms)

**LEN JACKSON** (Central region)

- Police force responsibilities: Cambridgeshire, Lincolnshire, Norfolk, Nottinghamshire, Suffolk, Cambridge University and Port of Felixstowe
- Policy lead role: police dog handling

**NICHOLAS LONG** (North region)

- Police force responsibilities: Humberside, North Yorkshire, South Yorkshire, West Yorkshire
- Policy lead role: custody (including ACPO custody forum), public order, Single Non-Emergency Number (SNEN), IND (E&R) (with Mehmuda Mian Pritchard)

**LAURENCE LUSTGARTEN** (London and South East region)

- No allocated responsibilities during the period.

**NASEEM MALIK** (North region)

- Police force responsibilities: Greater Manchester, Cumbria
- Policy lead role: women and gender issues

**REBECCA MARSH** (Wales and South West region)

- Police force responsibilities: Avon and Somerset, Gloucestershire, Hampshire, Port of Bristol and the Civil Nuclear Constabulary
- Leading organisational contact: HMIC (with Nick Hardwick), police authorities/APA (with John Crawley) and local resolution
- Policy lead role: inspections

**MEHMUDA MIAN PRITCHARD** (London and South East region)

- Police force responsibilities: Essex, Metropolitan Police Service (South East), Port of Tilbury, British Transport Police
- Lead organisational contact: forensic medical examiners (with Nicola Williams)
- Policy lead role: IND (E&R) – preparations for IPCC role (with Nicholas Long)

**DAVID PETCH** (London and South East region)

- Police force responsibilities: Bedfordshire, Hertfordshire, Metropolitan Police Service (North West)

- Lead organisational contact: SOCA

- Policy lead role: road traffic incidents

**AMERDEEP SOMAL** (Central region)

- Police force responsibilities: Derbyshire, Leicestershire, Northamptonshire
- Lead organisational contact: Commission for Racial Equality (including Morris Inquiry residual issues)
- Policy lead role: police discipline system (including Taylor Review residual issues with John Wadham)

**NICOLA WILLIAMS** (London and South East region)

- Police force responsibilities: Kent, Sussex, Metropolitan Police Service (South West), Ministry of Defence, Heathrow and Port of Dover police forces, London Borough Parks and Royal Botanic Gardens Constabulary
- Lead organisational contact: forensic medical examiners (with Mehmuda Mian Pritchard)

## The CEO and Directors

**Chief Executive:** Susan Atkins

### Directors

Director of Investigations and Casework –

**Roy Clark** (until 9 September 2005)

Acting Director of Operations – **Peter Goode**

(from 9 September 2005)

Deputy Director of Investigations and Casework –

**Peter Goode** (until 9 September 2005)

Director of Policy and Research – **Jennifer Douglas-Todd**

Director of Corporate Services – **Barry Simpson**

Director of Legal Services – **John Tate**

Director of Communications – **Sarah Clifford**

### Regional Directors

Central – **Derek Bradon**

North – **Mary Calam** (until 15 August 2005),

**David Knight** (from 15 August 2005)

London and South East – **Judy Clements**

Wales and South West – **Jane Farleigh**

For detailed biographies of Commissioners, the Chief Executive and Directors, visit the IPCC website at [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

# 20. Summary of Accounts

The IPCC Accounts for 2005/06 were laid before Parliament on 24 July 2006. They were given an unqualified audit opinion by the National Audit Office.

These summarised accounts are extracted from the Accounts for 2005/06 which were laid before Parliament, but may not contain sufficient information to allow for a full understanding of the financial affairs of the IPCC. For further information please consult the full financial statements and the auditors' report on those financial statements. Copies can be obtained from the Stationery Office HC 1570 2005/2006 ISBN: 0103286411 or are available from our website at [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

## Statement of external auditors

The summarised accounts contained within the report are consistent with the full financial statements produced by the IPCC for the year ended 31 March 2006 and on which we have given an unqualified opinion dated 19 July 2006.

## Financial review

The IPCC resource expenditure net of income from HMRC and other sources was £29.3 million, which exceeded the initial resource allocation from the Home Office by £1.1 million. The Home Office was kept informed of our expenditure at all times and approved further funding of £1 million in recognition of our exceptional caseload during 2005/06. This was exceeded due to higher than expected losses on revaluation.

The reported operating deficit on ordinary activities of £0.8 million mainly arose from losses on revaluation of assets. The transfer from government grant reserve offset our depreciation and revaluation costs in so far as the assets were funded by grant in aid. The reported overall surplus of £1.8 million arose because cash has been drawn down to reduce creditors.

## Review of the development of the business

A number of important business developments were undertaken during the year. These included a combined total of 240 managed and independent investigations, development of closer working relations with partner agencies and community groups and working with the police to ensure that lessons drawn from our investigations are fed back into day-to-day policing, thereby improving confidence in the policing system as a whole.

### Business focus for the future

From 1 April 2006, the IPCC's jurisdiction was extended to cover complaints concerning the exercise of police-type powers within HMRC and SOCA. In the second half of 2006/07, the IPCC expects to take on the responsibility for complaints and misconduct issues related to the arrest functions of IND (E&R).

The IPCC will bring skills and learning from our experience with the police to our work with HMRC, SOCA and IND (E&R).

## Commission members

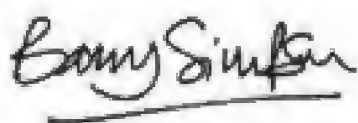
Commissioners are appointed under Schedule 2 (Section 9) of the Police Reform Act 2002, for a term not exceeding five years. The Commissioners who served during 2005/06 and their regional and national policy responsibilities are listed on pages 49 and 50.

## Income and expenditure account

for the year ended 31 March 2006

	2005/06	2004/05
	£000	£000
Income	29,117	22,815
Expenditure	(29,913)	(23,951)
<b>Operating deficit on ordinary activities</b>	<b>(796)</b>	<b>(1,136)</b>
Transfer from government grant reserve	2,556	1,887
<b>Surplus for the year</b>	<b>1,760</b>	<b>751</b>

Balance sheet	At 31 March 2006	At 31 March 2005
Fixed assets	7,201	8,395
Current assets	1,432	1,531
Creditors: amounts falling due within one year	(3,249)	(3,936)
<b>Net current assets</b>	<b>(1,817)</b>	<b>(2,405)</b>
Creditors due after one year	(189)	(1,814)
Total net assets before provisions	5,195	4,176
Provisions	(426)	(62)
<b>Total assets less all liabilities</b>	<b>4,769</b>	<b>4,114</b>
<b>Capital and reserves</b>	<b>4,769</b>	<b>4,114</b>



**Barry Simpson**

Acting Chief Executive and Accounting Officer

24 July 2006

# 21. Glossary of Terms

## Acronyms

ACPO – Association of Chief Police Officers

APA – Association of Police Authorities

BME – black and minority ethnic

BMRB – British Market Research Bureau

CPS – Crown Prosecution Service

FLC – Family Liaison Co-ordinator (IPCC)

FLM – Family Liaison Manager (IPCC)

HMIC – Her Majesty's Inspectorate of Constabulary

HMRC – Her Majesty's Revenue and Customs

IND (E&R) – Immigration and Nationality Directorate (Enforcement and Removals)

IPCC – The Independent Police Complaints Commission

LAS – London Ambulance Service

NDPB – Non-Departmental Public Body

PAB – Police Advisory Board of England and Wales

PACE – Police and Criminal Evidence Act 1984

PCA – Police Complaints Authority

PER – Prisoner Escort Record

REC – Race Equality Council

SOCA – Serious Organised Crime Agency

TCC – Telephone Complaints Centre (IPCC)

## Glossary

### Acts

You can find more information about Acts (between the years 1987 to 2006) mentioned in this document from the Office of Public Sector Information at [www.opsi.gov.uk](http://www.opsi.gov.uk)

For more information about the Mental Health Act 1983, go to [www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/MentalHealth/fs/en](http://www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/MentalHealth/fs/en)

### Appeal

An application by a complainant for the IPCC to review a police decision.

### Baton guns

The baton gun fires plastic bullets that are designed to disable a person rather than cause death.

### 'Call-in' powers

The IPCC has the power to call in particular cases of concern or sensitivity that might not otherwise be referred to it.

### Casework

The key function of casework is to process complaints and appeals, and to conduct matters in accordance with best practice principles.

### Custody suite

Used to house anyone who has been detained, the suite is set up with CCTV and is usually staffed by a police custody officer and civilian detention officers.

### Discontinuance

The halting of an investigation that has already been started.

## Dispensation

An exemption (granted by the IPCC to a police force) from the need to take further action or no action at all about a complaint.

## Guardianship

The process of setting, monitoring, inspecting and reviewing the operation of the police complaints system, to ensure accessibility and excellence.

## Healthcare Commission

The independent inspection body for both the NHS and independent healthcare. It was set up to improve the quality of healthcare and public health.

## HM coroner

An independent judicial officer, the coroner enquires into deaths reported to him/her.

## Independent investigation

An investigation carried out by IPCC staff.

## IPCC Commission

Consists of a Chair, a Deputy Chair and 15 Commissioners – each responsible for specific police forces, for guardianship work and for individual cases.

## Legacy cases

Cases that the IPCC has inherited from the PCA.

## Local resolution

When a complaint is resolved at a local level such as in a police station or a Basic Command Unit.

## Managed investigation

An investigation carried out by the police under the direction and control of the IPCC.

## Police Federation of England and Wales

The representative body to which every police officer, below the rank of superintendent, belongs. Each of the 43 police forces in England and Wales is a branch of the Police Federation.

## Positional asphyxia

Also known as postural asphyxia, this can occur when someone is put in a position that compromises the airway, preventing them from breathing and sometimes causing death.

## Race Equality Scheme

Covers all relevant functions and policies of race equality within a single framework.

## Referrals

Specific complaints or incidents that could damage public confidence in policing, which the police must refer to the IPCC.

## Regulation 9 notice

Served on a police officer when his/her conduct is under investigation for possible disciplinary purposes.

## Statutory Guidance

The IPCC guidance setting out standards for the police complaints system.

## Supervised investigation

Carried out by the police and supervised by an IPCC Commissioner.

## Tasers

The widely used M26 Taser gun delivers a 50,000-volt shock through two barbed darts, which can incapacitate for five seconds.

## Terms of reference

Parameters within which an investigation is conducted.

## Working days

The IPCC has performance targets to meet in which work will be completed or actions performed. These are measured in working days. Working days include Mondays to Fridays and bank holidays, but exclude weekends.







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